

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44236 of 2024

Arising Out of PS. Case No.-43 Year-2024 Thana- JIRADEI District- Siwan

Sonu Kumar @ Sonu Mishra @ Anjesh Kumar Mishra @ Anjesh Mishra,
aged about 25 years, Male, Son of Shashi Mishra @ Shashibhushan Mishra,
Resident of Village- Gangauli, P.S.- Jiradei, District- Siwan.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ranjeet Kumar Pandey, Advocate

For the Opposite Party/s : Mr. Narendra Kumar Singh, APP

**CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND
MALVIYA**

ORAL ORDER

3 18-09-2024 Heard learned counsel for the petitioner, learned APP
for the State and learned counsel for the informant.

2. The petitioner seeks bail in connection with Jiradei
P.S. Case No. 43 of 2024 instituted for the offences punishable
under Sections 307, 120B and 506/34 of the Indian Penal Code
and Section 27 of the Arms Act.

3. As per the allegation in the FIR, petitioner along
with other co-accused persons fired upon the informant's son
namely, Birendra Mishra, who sustained one grievous injury and
one simple injury.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has committed no offence and has
falsely been implicated in this case due to land dispute. He



further submits that the informant and co-accused persons are pattidars and they are next door neighbors. A title suit no. 575 of 2017 is going on between both the parties. He next submits that the occurrence took place on 24.03.2024 at 1:00 P.M. and the FIR has been lodged on 25.03.2024 at 15:30 i.e., after a delay of more than 26 hours and there is no any plausible explanation in this regard. Learned counsel for the petitioner submits that the petitioner have four criminal antecedent as stated in para 3 of the petition and is in custody since 04.04.2024. He next submits that all the three cases are of family disputes and have been disposed of on the basis of compromise between the parties.

5. Learned APP for the State and learned counsel for the informant vehemently opposed the prayer for bail and submits that the petitioner fired upon the son of the informant and sustained firearm injury on his jaw, which is grievous in nature, so he does not deserve the privilege of bail.

6. From perusal of the FIR, case diary, injury report and also perused the impugned order of the learned Sessions Judge, Siwan dated 30.05.2024, it appears that there is direct and specific allegation against the petitioner that he fired upon the son of the informant by means of pistol and the informant's son sustained firearm injury on his jaw, which is a vital part of



the body. From perusal of the injury report, it reveals that the injury sustained on face is grievous in nature and another injury sustained on shoulder which is caused to be simple in nature. The witnesses have also supported the case of the prosecution, nature of offence and also petitioner has got four criminal antecedents, so considering all aspects of the matter, I am not inclined to grant regular bail to the petitioner.

7. Accordingly, the prayer for regular bail of the petitioner is hereby rejected.

(Ramesh Chand Malviya, J)

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